

2007 DRAFTING REQUEST

Bill

Received: **11/17/2006**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **BAB, PJH**

Submit via email: **YES**

Requester's email: **Don.Dyke@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Occupational license immediately for chemical test administrative suspension (R0709 10)

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	agary 11/28/2006	jdyer 12/07/2006	rschluet 12/07/2006	_____	sbasford 12/07/2006		
/1	agary 11/15/2007	jdyer 11/16/2007	pgreensl 11/16/2007	_____	cduerst 11/16/2007	cduerst 11/19/2007	

FE Sent For:

<END>

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/?	agary	11/12/06 jld	SS				

FE Sent For:

1276
<END>

REMEDIAL LEGISLATIVE PROPOSAL

Wisconsin Department of Transportation

DT1605 9/2004 s.13.83(1)(c)4 Wis. Stats.

Instructions: Complete this form for **Law Revision Committee Remedial Legislative proposal(s)** for which a Division requests Secretary's Office (SO) approval. This form must be signed by the Division Administrator.

Short Title of Issue Occupational license immediately for chemical test admin suspension	
Date Submitted October 12, 2006	Division Office of General Counsel
Lead Division Contact Person Paul Nilsen	Area Code - Telephone Number 608-261-0126
Specific Statutory Change Amend 343.305(8)(d) by adding, "or sub. (7)"	
Administrative Problem with Current Statute Currently, an occupational license is available immediately to any person administratively suspended under 343.305(8)(d). However, 343.305(8)(d) also treats persons administratively suspended under 343.305(7). The Department currently makes persons suspended under 343.305 as immediately eligible for occupational license by virtue of 343.305(8)(d). This requested modification will ratify this practice, and cut off arguments that the person must wait 15 days for an occupational license under 343.10(2)(a)4.	
Justification/Need for Change Clarify immediate eligibility for occupational license, rather than requiring 15-day wait.	
Fiscal Effect, If Any None, since DMV currently does not require 15-day waiting period for occupational license for people administratively suspended under 343.305(7).	

(Division Administrator Signature – Brush Script Font If Computer Filled)

October 12, 2006

(Date)

OGC Completes: DOT Remedial Legislation Proposal Number

R 0709-10

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

- 1 AN ACT ...; relating to: the issuance of motor vehicle occupational licenses after
2 certain operating privilege suspensions (suggested as remedial legislation by
3 the Department of Transportation).

Analysis by the Legislative Reference Bureau

Under current law, with respect to the offense of operating a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug (OWI), if a person submits to a test to determine the presence or quantity in his or her blood of alcohol or restricted controlled substances and the test results indicate a prohibited alcohol concentration or the presence of restricted controlled substances, the law enforcement officer administering the test must report the results to the Department of Transportation (DOT). The person's motor vehicle operating privilege is then administratively suspended for six months.

This bill clarifies that a person whose operating privilege is administratively suspended in this manner is immediately eligible for an occupational license.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law

Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 343.305 (8) (d)^X of the statutes is amended to read:

2 343.305 (8) (d) A person who has his or her operating privilege
3 administratively suspended under this subsection and sub. (7) (a)[✓] is eligible for an
4 occupational license under s. 343.10 at any time.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413.

5 **(END)**

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0830/P1dn

ARG: ^:...

jld

ATTN: Don Dyke

The instructions requested adding "or sub. (7)." Because there is no administrative suspension under s. 343.305 (8)✓separate and apart from the administrative suspension under s.✓343.305 (7) (a), I have used the conjunctive "and sub. (7) (a)."

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0830/P1dn
ARG:jld:rs

December 7, 2006

ATTN: Don Dyke

The instructions requested adding "or sub. (7)." Because there is no administrative suspension under s. 343.305 (8) separate and apart from the administrative suspension under s. 343.305 (7) (a), I have used the conjunctive "and sub. (7) (a)."

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

in 11/15

Soon

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Per Don Byke - 11/15

Regen

1 AN ACT *to amend* 343.305 (8) (d) of the statutes; **relating to:** the issuance of
2 motor vehicle occupational licenses after certain operating privilege
3 suspensions (suggested as remedial legislation by the Department of
4 Transportation).

Analysis by the Legislative Reference Bureau

Under current law, with respect to the offense of operating a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug (OWI), if a person submits to a test to determine the presence or quantity in his or her blood of alcohol or restricted controlled substances and the test results indicate a prohibited alcohol concentration or the presence of restricted controlled substances, the law enforcement officer administering the test must report the results to the Department of Transportation. The person's motor vehicle operating privilege is then administratively suspended for six months.

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a clarifying
LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Transportation and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes ~~minor substantive~~ *minor* changes in the statutes, and that ~~these~~ *this* changes ~~are~~ *is* desirable as a matter of public policy. ✓

1 **SECTION 1.** 343.305 (8) (d) of the statutes is amended to read:

2 343.305 **(8)** (d) A person who has his or her operating privilege
3 administratively suspended under this subsection and sub. (7) (a) is eligible for an
4 occupational license under s. 343.10 at any time.

5 (END)

*insert
2A ✓*

INS 2A

1

~~INSERT 2A TO LRB-0830/P1~~

note:
std

NOTE: Subsection (7) (a)✓ imposes the administrative suspension. The reference in the current provision to "this subsection" is to sub. (8)✓, which sets forth the procedure for the administrative suspension. The additional cross-reference✓ removes any doubt about immediate eligibility for an occupational license.

Duerst, Christina

From: Dyke, Don
Sent: Monday, November 19, 2007 1:53 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0830/1 Topic: Occupational license immediately for chemical test administrative suspension (R0709 10)

Please Jacket LRB 07-0830/1 for the ASSEMBLY.
Thanks